

PACIFIC COAST RATE ORDER IS UPHELD

Justice Brandeis Announces Supreme Court's Decision Against Inland Cities.

INUNCTION IS DISSOLVED

182 Towns Lose the Fight Involving Long and Short Haul Problem.

WASHINGTON, Dec. 4.—Inland cities of the Pacific slope lost their fight in the Supreme Court today against an order of the Interstate Commerce Commission granting lower transcontinental railroad freight rates to San Francisco, Oakland, Portland, Seattle and other coast cities. Associate Justice Brandeis announced the unanimous decision of the court dissolving an injunction against enforcement of the order secured in the California Federal Court by the inland cities, which contended they were entitled to classification as coast terminals, and that water transportation through the Panama Canal, the basis of the lower rates to the coast, had ceased. The cities and towns affected numbered 182, including Sacramento, Stockton, San Jose and Santa Clara.

The decision sustained the contentions of the Government, the commission and the railroads in an appeal from the action of the lower court.

Justice Brandeis's comment. Report to the court to nullify the commission's order was commented on in Justice Brandeis's opinion as follows: "To permit communities or shippers to seek redress for such grievances (referred to in the case under consideration) in the courts would invade and often nullify the administrative authority vested in the commission."

Up to the claim that Panama Canal steamship competition had been eliminated Justice Brandeis said: "It was the increased effectiveness of water competition due to the opening of the Panama Canal—a notable change in conditions—which compelled the rate readjustment of which they (the inland cities) complain."

He went on to say that the commission exceeded its authority in granting the lower rates to the coast cities, in alleged absence of application by the railroads for such action, this comment was made: "Such a construction would make section 4 unworkable and defeat the purpose of the amendment (authorizing the commission to authorize lower rates for long hauls than for short hauls). It is at variance with the broad discretion vested in the commission."

Other Decisions Handled Down. Iowa and Pennsylvania laws prescribing butter fat standards for ice cream were upheld as constitutional in test cases attacking their validity as arbitrary exercise of State "police powers," although designed to prevent adulteration of food products.

Alabama's law of 1911 providing franchise taxation of domestic corporations' capital stock was upheld.

Dismissal of Federal indictments of 1914 against Hermann H. Oppenheimer, a New York attorney, for alleged conspiracy to conceal the sale of the "Black" suit of Joseph Samuel & Co. was affirmed.

In the appeal of William Briggs of Topeka, convicted of violating a Kansas law which punishes "persistent" violations of prohibition statutes by making felonies of second offenses, the court left the law undisturbed by dismissing Briggs' appeal for lack of jurisdiction, but without deciding the statute's constitutionality.

By a vote of 6 to 3 the court held that James Sim and Thomas P. Alder of New York are entitled to recover nearly \$110,000 from William Edensboro, New Orleans and New York capitalist, subscribed to him as syndicate manager for stock of the Sheffield Copper and Iron Company in 1902. The company became insolvent.

Associate Justice Clarke gave his first opinion, holding that under the sixteen-hour law for railroad men neglect to report instances of excessive service, if not in bad faith, does not make the road liable to the penalty of \$100 a day. The court affirmed dismissal of a Government suit against the Northern Pacific Railway to collect penalties.

SQUADRON PUTS TO SEA

Worming Leads Battleships and Cruisers Through Narrows.

The battleships and cruisers of the Atlantic squadron, which have been lying at anchor in the Hudson River, went to sea yesterday afternoon.

The Wyoming, flagship of the squadron, with Rear Admiral De Witt Coffman on board, led the line. Following her were the cruisers Baltimore and San Francisco, the battleships Connecticut, New York and Texas, the supply ship Lebanon and the despatch boat Yankton. As each vessel passed lower Staten Island she fired a salute to Rear Admiral H. T. Mayo, the commander of the Atlantic fleet, who watched the warships leave from the deck of the battleship Pennsylvania.

COAL DROPS TO \$7.75 A TON

Mild Weather and More Available Cars Given as Reasons.

Coal is cheaper. Dealers who were selling \$9.75 a ton a week or so ago, and were getting it, are now selling it for \$7.75, and others are charging all the way up to \$8.50.

These prices, which are higher than the prices of bygone years, are much lower than the prices of three weeks ago, when dealers were getting \$12 a ton.

Arthur F. Rice, commissioner of the Coal Merchants Association, said yesterday the mild weather has been a substantial factor in lowering prices. A greater number of cars also are available for hauling coal, and dealers who were paying bonuses not long ago for their coal are now able to buy it more reasonably. Also the Grand Jury is hearing evidence of combinations arranged to boost prices.

District Attorney Swann said yesterday that the changed prices will not prevent him from going through with his investigation. He has issued subpoenas for three coal dealers who, he believes, were forced out of business by the price raising combinations. They are expected to tell how their trade was ruined in a price cutting war, how coal they had ordered was withheld and how, after they had sold their yards, the price of coal in their neighborhoods advanced.

Trolley Car Kills Painter.

Harry Penz, a painter, of 295 West 14th street, was killed yesterday afternoon at Eighth avenue and 14th street by a trolley car. A striking crowd of fifteen minutes following his body.

ACKS'S PLEA MADE TO FREE ONLY BROTHER

Young Man Who Tried to Reach President Tells Court He Meant No Harm.

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N. Y. ASKS TO BUILD A BATTLE CRUISER

Bids for Four Ships to Be Opened To-morrow in Washington.

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In case the private shipyards cannot meet the requirements of the Navy Department there is talk of undertaking the construction of these huge craft in the navy yards, the idea being to construct the first in the navy yard in New York. Secretary Daniels is considering the advisability of constructing an extra ship in the New York Navy Yard to permit additional work on battleships or battle cruisers. The estimated cost is \$600,000.

At present there are no docking facilities on the Atlantic coast for a ship of the battle cruiser type which is contemplated, but Secretary Daniels expects to solve this problem before any of these craft are ready for the service.

Rear Admiral Harris, chief of yards and docks, was directed to-day to investigate conditions in the New York yard after a delegation of Representatives in Congress and business men from New York and Brooklyn requested Secretary Daniels to build a ship there.

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Shipments Valued at \$50,000 Are Destroyed Here in Week.

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City's Economic Expert Attacked by Tammany Alderman in Speech.

BUDGET CUT INDORSED

Mayor Expected to Veto Paring Off of Salary Increases.

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The Finance Committee, in its report to the full board, in explaining the reasons for the cuts, stated that it was not deemed wise in view of the present burden upon the citizens and taxpayers, to increase the salary of any city employee who is receiving \$4,000 or more a year. The Finance Committee approved heartily the increases for firemen and patrolmen, but slashed the increases of well paid officials right and left.

Of the total amount eliminated from the budget, \$34,500 was increase in salaries; \$136,570 for new positions and \$49,450 in reductions of the present force of employees.

The largest increase on the list was for Frank Dowling, President of the Board of Aldermen, who was slated for a raise to \$7,500 a year from \$5,000. At the request of Dowling himself this increase was eliminated.

Bureau Directors Hit

Increases of \$1,500 each for George L. Turrell and Tilden Adamson, two bureau directors under the supervision of the Board of Estimate, were cut out. They would have received \$7,500 instead of their present salary of \$6,000. This is the second time increases for these two men have been cut out by the Aldermen.

The salary of \$10,000 a year for the services of an "executive manager" of the Board of Education was wiped out by the board along with a blistering criticism of the Board of Estimate for having created such a position. Leo Arnstein, former assistant to George McAneny while he was Borough President, is slated for this job and will get it if the Mayor vetoes the action of the board.

Emergency Staff Attacked

The "efficiency staff" of the Commissioner of Accounts office came in for a slash in salaries and an attack.

"This efficiency staff is all bunk," was the way one of the Democratic Aldermen summed it up and this view was followed by other speakers.

Cuts were also made in the office of the President of Manhattan, Board of Health, Fire Department and in a number of other departments directly under the Mayor's direction. The raises to \$12,000 from \$10,000 for Merritt H. Smith, chief engineer of the Department of Water Supply, Gas and Electricity was dropped off, and many other employees who already receive \$4,000 or more.

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